

HOUSE BILL 3386

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 14, Part 2, relative to offenses against
animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-212, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section:

(1) "Aggravated cruelty" means conduct that is done or carried out in a depraved and sadistic manner and that tortures or maims an animal and shall be construed to include the intentional deprivation of food and water to an animal where the deprivation results in the death of the animal or a substantial risk of death;

(2) "Elderly" means any person sixty-five (65) years of age or older; and

(2) "Minor" means any person under eighteen (18) years of age.

(b) A person commits the offense of aggravated animal cruelty who, without justifiable purpose, intentionally kills or intentionally causes serious bodily injury to an animal in a manner demonstrating aggravated cruelty towards such animal.

(c) Subsection (b) shall not be construed to apply to, prohibit, change, amend or interfere with the following endeavors:

(1) Any activity regulated by title 70, involving fish and wildlife;

(2) Activities or conduct that are prohibited by § 39-14-203;

(3) Dispatching:

(A) An animal in any manner not demonstrating aggravated cruelty towards that animal;

(B) A rabid or diseased animal;

(C) An animal posing a clear and immediate threat to human safety;

(D) An animal in accordance with § 44-17-403(e); or

(E) A wild or abandoned animal on a farm or residential real property;

(4) Engaging in lawful hunting, trapping, or fishing activities, including activities commonly associated with the hunting of small game as defined in § 70-1-101(a)(34);

(5) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;

(6) Performing accepted veterinary medical practices or treatments;

(7) Engaging, with the consent of the owner of a farm animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal; or

(8) Applying methods and equipment used to train animals.

(d) Aggravated cruelty to animals is a Class E felony.

(e) In addition to the penalty imposed by subsection (d) the sentencing court may:

(1) Order the defendant to surrender custody and forfeit all animals in the defendant's possession and may award custody of the animals to the agency presenting the case. The court may prohibit the defendant from having custody of other animals for any period of time the court determines to be reasonable or

impose any other reasonable restrictions on the person's custody of animals as is necessary for the protection of the animals;

(2) Require the defendant to undergo psychological evaluation and counseling if the aggravated cruelty involved conduct other than failing to provide food and water. The cost of the counseling is to be borne by the defendant unless the defendant is indigent, in which case the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency;

(3) Send notification of the conviction to the appropriate protective agencies within fifteen (15) days if a defendant convicted under this section resides in a household with minor children or elderly individuals, and if the defendant's aggravated cruelty involved conduct other than failing to provide food and water;

(4) Hold the defendant liable to the impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case; and

(5) Hold the defendant liable to the owner of the animal for damages.

(f) If a violation of this section resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

(g) If a juvenile is found to be within the court's jurisdiction for conduct that, if committed by an adult, would be a criminal violation of this section, the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological

treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.

(h) This section does not preclude the court from entering any other order of disposition allowed under this chapter.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.